

James F. Sweeney  
Michael J. Carcich  
Kevin J.B. O'Malley  
NICOLETTI HORNIG & SWEENEY  
Wall Street Plaza  
88 Pine Street, Seventh Floor  
New York, New York 10005-1081  
(212) 220-3830  
*Attorneys for Defendant*  
*Benxi Northern Steel Pipes Co. Ltd.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
AFRODITE SEA TRADE S.A.,

Plaintiff

— v. —

SHINE STAR SEA-TRANSPORT  
PTE, LTD., *et al.*

Defendants.

X

X

X

X

X

**07 CV 5626 (DAB) (MHD)**

**ELECTRONICALLY FILED**

-----X  
**NOTICE OF MOTION TO DISMISS  
AND TO VACATE PROCESSES OF  
MARITIME ATTACHMENT AND GARNISHMENT**

To: FREEHILL, HOGAN & MAHAR, LLP  
80 Pine Street  
New York, New York 10005  
*Attorneys for Plaintiff*

**PLEASE TAKE NOTICE** that, upon the attached Declaration of Kevin J.B. O'Malley and the exhibits thereto, upon the pleadings herein and upon the accompanying Memorandum of Law, Defendant Benxi Northern Steel Pipes Co. Ltd., by and through its undersigned attorneys, will move this Court, Deborah A. Batts, U.S.D.J., United States District Court, 500 Pearl Street, Courtroom 24B, New York, New York 10007, on the 8<sup>th</sup> day of April 2008 at 9:30 a.m., or as

soon thereafter as counsel may be heard, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Rule E of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, dismissing the claim asserted against it in the Second Amended Verified Complaint and vacating the Processes of Maritime Attachment and Garnishment issued against it.

Dated: March 10, 2008  
New York, New York

NICOLETTI HORNIG & SWEENEY

*Attorneys for Defendant*  
*Benxi Northern Steel Pipes Co. Ltd.*

By: /s Kevin J.B. O'Malley  
Kevin J.B. O'Malley  
Wall Street Plaza  
88 Pine Street, Seventh Floor  
New York, New York 10005-1801  
(212) 220-3830